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ABSTRACT

The Indian Education Formula Grant Program promotes high-quality student content and performance standards and strategies that build on Indian cultures and native languages. The purpose of the program is to support local education agencies in their efforts to provide Indian students the opportunity to achieve these high standards and meet the special educational and culturally related academic needs of American Indian and Alaska Native students. This document details the process of applying for a formula grant under this program. It gives a month-by-month timeline of activities in the application cycle, the essential components of the required comprehensive plan, parent committee involvement, allowable project activities, measurable student outcome objectives, and a list of tentative workshop locations. A question and answer section provides guidance in the development of formula grant applications/projects. It covers definitions, student activities, eligibility, steps involved in developing a program and submitting an application, requirements for a comprehensive plan and parent committee, needs assessment, multi-year applications, evaluation of program effectiveness, public hearings, Indian tribe application, requirements for BIA-funded schools, inclusion of formula grant funds in Title I schoolwide projects, student count, maintenance of effort, grant amount calculation, and requirement exceptions for BIA-funded schools or eligible tribal applicants. (Appended are 23 "Q&A's" designed to give guidance in the development of Formula Grant applications/projects.) (SAS)

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ED 461 445

# U. S. Department of Education
# Office of Indian Education

## Formula Grant Application Process

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RC 021310

**U.S. Department of Education**
**Office of Indian Education**

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## APPLICATION CYCLE TIMELINES

| MONTH | ACTIVITY |
|---|---|
| SEPTEMBER - NOVEMBER | CONDUCT OR REVIEW NEEDS ASSESSMENT DATA; Data used should not be more than two (2) years old. (Needed only for applications with new project periods) |
| SEPTEMBER - NOVEMBER | CONDUCT STUDENT COUNT (the count may be conducted on one day or a consecutive 30 day period; the LEA is responsible for insuring that the Indian students counted on the count date or during the count period are enrolled in the school system at that specified time and each has a signed ED-506 form on file)<br><br>ALL ED-506 forms used in the student count to generate funds for this project year have the following minimum requirements:<br><br>1. Name of student<br>2. Name of Tribe in which the student (or parent or grandparent) is enrolled in or a member of<br>3. Dated signature of parent (or legal guardian) |
| NOVEMBER - JANUARY | LEA conducts at least one PUBLIC HEARING on the proposed project (maintain documentation of hearing notice(s), attendance, minutes, comments). The public hearing requirement applies to all applicants. |
| JANUARY - FEBRUARY | REVIEW draft application FOR COMPLETENESS; MEET with the PARENT COMMITTEE and OBTAIN their written APPROVAL of the application; FINALIZE application; submit to SCHOOL BOARD for APPROVAL; SUBMIT TO SEA. |
| MARCH | SUBMIT THE COMPLETED APPLICATION TO THE U.S. DEPARTMENT OF EDUCATION'S APPLICATION CONTROL CENTER. The application must be mailed to the correct address as shown in the application package. Do NOT mail the application directly to the Office of Indian Education. |
| MARCH - MAY | U.S. Dept. of Education's Office of Indian Education (OIE) reviews the applications and identifies any additional information or clarifications needed (1st notice) |

| | |
|---|---|
| MARCH-JUNE | LEA's respond to checklist and/or provide needed information |
| JUNE 1 | OIE notifies LEA's of tentative grant award amounts |
| APRIL-AUGUST | OIE reviews and approves application corrections<br>OR<br>OIE identifies application issues which were not adequately addressed by the LEA in the first revision and sends additional checklist(s) to LEA (2nd / 3rd notices) |
| APRIL | LEA reviews project to determine if an extension of the budget period is needed (budget period automatically ends June 30 of each year, unless your Grant Award Notification has a different ending date) |
| MAY 15 | LEA WRITTEN REQUESTS FOR EXTENSION OF BUDGET PERIODS OF THE CURRENT PROJECT PERIOD ARE DUE TO OIE BY MAY 15 (BY REGULATION, DUE 45 DAYS PRIOR TO END OF THE BUDGET PERIOD) |
| JULY 1 | OIE issues Grant Award Notices to approved projects for next school year |
| JULY 1-SEPTEMBER | Projects begin program implementation |

The Application Cylce Timelines are provided by the Office of Indian Education for grantees to use as merely a guide in completing the Formula Grant Application.

## *ESSENTIAL COMPONENTS OF THE COMPREHENSIVE PLAN*

In addition to the project narrative and other required documents, each Title IX grant application should include a section entitled: Comprehensive Plan.

The Comprehensive Plan should include subsections that explain how the district will address specific topics of key importance (see below). Specifically, Comprehensive Plans should include:

(1) a description of how district-level programs and activities will address the required issue areas; and

(2) a description of how proposed Title IX project activities will support the district's efforts in these areas.

**Each Comprehensive Plan should**:

1. Describe programs and activities that will meet the culturally related academic needs of American Indian students.

2. Describe the professional development that will be provided to ensure that all teachers and other school staff are prepared to work with American Indian students.

3. Be consistent with, and promote the goals in, state and local improvement plans.

4. Include student academic content standards based on challenging state academic standards.

5. Explain how federal, state, and local programs will meet the needs of American Indian students.

6. Include performance goals and benchmarks that are based on challenging state standards.

7. Describe how the progress of **all** American Indian students will be assessed.

8. Describe how the results of the assessment will be shared with the Indian parent committee and the American Indian community, and how the findings of previous and current assessments have been, or will be, used.

## PARENT INVOLVEMENT

**What are the requirements for involving parents and the community?**

All LEAs, per section 9114(c)(4), are required to have a parent committee and to develop their application with the participation and written approval of that committee.

The application is also to be developed in open consultation with the parents of Indian children, teachers and, where applicable, Indian secondary students. The comprehensive plan to be submitted with the application, also requires that assessment results be provided by the LEA to the parent committee and the community served by the LEA.

Specific methods for meeting the requirements for parent and community involvement are not prescribed. However, the procedures used by the LEA should include more than just having parents attend meetings, receive reports, and sign off on documents.

**Is the parent committee required to approve the application?**

Yes; to be eligible for funding under this program, the LEA must obtain the written parent committee approval on all new and continuation applications.

**What is the composition of the parent committee?**

According to section 9114(c), the parent committee is to be composed of, and selected by, parents of Indian children in the LEA's schools, teachers, and where applicable, secondary Indian students. More than one-half the members of the committee must be parents of Indian children.

**Who is responsible for forming the parent committee?**

It is the LEAs responsibility for establishing the parent committee. The parent committee, once established, has the responsibility of developing by-laws which will identify how the parent committee will function. These by-laws must be approved by the LEA.

## *ALLOWABLE PROJECT ACTIVITIES*

The Department will fund applications that are designed to carry the LEA's comprehensive plan for Indian students, address the language and cultural needs of Indian students, and supplement and enrich the regular school program.

Section 9115 of the Act identifies the authorized services and activities that may be provided, and includes such services and activities as --

- Integrated educational services in combination with other programs that meet the needs of Indian children and their families;
- School-to-work transitional services to enable Indian students to participate in programs such as the programs supported by the School-to-Work Opportunities Act of 1994 and the Carl D. Perkins Vocational and Applied Technology Education Act, including programs for tech-prep, mentoring, apprenticeship;
- Enrichment programs that focus on problem-solving and cognitive skills development and directly support the attainment of challenging State content standards and State student performance standards;
- Early childhood and family programs that emphasize school readiness;
- Activities to educate individuals concerning substance abuse and to prevent substance abuse;
- Culturally related activities that support the program described in the LEA's application; and
- The acquisition of equipment, but only if the acquisition of the equipment is essential to meet the purpose of this program.

## *MEASURABLE STUDENT OUTCOME OBJECTIVES*

The needs assessment identifies the conditions or problems which need to be addressed in the project. The specific approach to be taken and the desired results are defined by an objective.

In order to develop a measurable student outcome objective, the desired outcome is the performance expected of the students and the performance must be something which can be measured.

Often an applicant will attempt to develop an objective that is not student outcome oriented. In some objectives, the performance of the staff is identified or the level of student participation rather than the learning which is expected of the student. Below are examples of objectives that are not student outcome oriented:

"To distribute career information materials to high school students"

"Students will participate in cultural activities"

The most important characteristic of a student outcome objective is the measurability of the intended results. An example of an objective which lacks measurability would be:

"To improve the level of academic achievement of students"

The objective shown in the above example demonstrates that there are too many questions left unanswered about what is expected of the students.

The three areas which must be assessed in identifying the academically-related needs of students include:

**ACADEMIC:**

Review, at a minimum, appropriate performance records of Indian students (i.e., records on academic skills, levels of abilities, grades, test scores, etc.).

Additional information may be obtained by surveying students, parents and school staff. However, a survey alone will **not** suffice.

**BEHAVIORAL:**

Review, at a minimum, appropriate performance records of Indian students (i.e., attendance records, incident reports, counselor reports, etc.).

Additional information may be obtained by surveying students, parents and school staff. However, a survey alone will **not** suffice.

**CULTURAL:**

Information may be obtained by surveying students, parents, and school staff. However, information gathered from the academic and behavioral sources must be taken into consideration when overall needs are determined.

All cultural needs identified **must** be related to an academic need of the Indian students and all objectives, activities, and services provided must reflect these academically-related student needs.

ACADEMIC + BEHAVIORAL + CULTURAL = STUDENT NEEDS

The needs assessment identifies the conditions or problems to be addressed.

It is important that the objectives developed are clear, specific and define the expected outcome of the student after the learning experience has been accomplished. If the objective is not student outcome oriented or if it is not measurable, the evaluation process will not be able to determine the degree of effectiveness of the program.

A properly developed measurable student outcome objective can answer the following questions:

1. Who is the learner?
2. What is the outcome to be learned?
3. What level of learning is to be achieved?
4. How will the learning be measured and how often?

When OIE reviews your project's objectives, the following elements are looked for:

1. Measurability; student academic outcomes to be achieved; and levels of progress to be made;

2. How the objectives relate to the academic needs of the students; and

3. Whether the objectives provide for specific levels of academic achievement rather than number of contacts, number of activities completed or participation rates.

Sample

Measurable Objective with
Substantial Progress Statement

*Objective:*

Seventy two percent (72%) of those students who are receiving compensatory education in math will make a gain of one month of improvement for each month of instruction as assessed by the BASIS (Basic Achievement Skills Individual Screening) pre and post tests.

*Evaluation Statement:*

The BASIS was used to measure student achievement in the areas of computation and dictated word problems. The pre-test was administered in September and the post-test in May by the Prescriptive Teacher. This test measures outcome of services provided. The scores were assessed to identify the number of students gaining one or more months of improvement per month in the program.

The results of the objective for the school year are as follows:

| | |
|---|---|
| 40 | Title IX students were tutored in Math. |
| 36 | Students made a gain. |
| 29 | Students made a gain of 1 month per each month tutored. |
| 11 | Students did not meet the objective. |
| 73% | Met the objective. |

# GRANT APPLICATION CYCLE

**JULY 1**
Start of Project Period

**JUNE 30**
End of Project Period

**SEPTEMBER 30**
End of Federal Budget Year

**MARCH 10**
Formula Grant Application Deadline

**DECEMBER 10**
Mail Out Formula Applications

TENTATIVE WORKSHOP LOCATIONS

| | Date | State | City |
|---|---|---|---|
| Mon. | 12/8 | NC | Greensboro |
| Wed. | 12/10 | AL | Birmingham |
| Fri. | 12/12 | LA | Baton Rouge |
| Mon. | 1/12 | CA | LA |
| Tues. | 1/13 | CA | Sacramento |
| Thurs. | 1/15 | WA | Spokane |
| Fri. | 1/16 | WA | Seattle |
| Mon. | 1/12 | MT | Billings |
| Tues. | 1/13 | SD | Rapid City |
| Wed. | 1/14 | SD | Sioux Falls |
| Fri. | 1/15 | WY | Riverton |
| Wed. | 1/14 | MN | Duluth |
| Thurs. | 1/15 | MN | Minneapolis |
| Fri. | 1/16 | NY | Buffalo |
| Wed. | 1/21 | MI | Traverse City |
| Thurs. | 1/22 | MI | Detroit |
| Fri. | 1/23 | WI | Green Bay |
| Mon. | 1/26 | AZ | Phoenix |
| Tues. | 1/27 | NM | Albuquerque |
| Wed. | 1/28 | TX | El Paso |
| Tues. | 2/3 | AK | Anchorage |
| Mon. | 2/2 | ND | Bismarck |
| Tues. | 2/3 | ND | Grand Forks |
| Thurs. | 2/5 | UT | Salt Lake City |
| Fri. | 2/6 | NV | Las Vegas |
| Wed. | 2/4 | CO | Denver |
| Thurs. | 2/5 | AZ | Flagstaff |
| Fri. | 2/6 | NM | Farmington |
| Mon. | 2/9 | OK | OKC |
| Wed. | 2/11 | OK | McAlester |
| Fri. | 2/13 | OK | Tulsa |

U.S. Department of Education

OFFICE OF INDIAN EDUCATION

# Q & A's

Guidance in the development of Formula Grant applications/projects.

US Department of Education * Office of Indian Education * 600 Independence Avenue SW * Portals Building-Suite 4300 * Washington DC 20202

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## PROGRAM QUESTIONS AND ANSWERS

The following questions are those most frequently asked concerning the application process and its requirements, and should be used as a guide in completing the application. If you have additional questions concerning an area not covered here, please feel free to call the Office of Indian Education (see section K):

**1. What is the purpose of the Indian Education Formula Grant Program?**

The Indian Education Formula Grant Program is to be based on high-quality student content and performance standards and build on Indian cultures and native languages. The purpose of the program is to support LEA's (which includes schools funded by the Bureau of Indian Affairs) in their efforts to provide Indian students the opportunity to achieve to these high standards and meet the special educational and culturally related academic needs of American Indian and Alaska Native students.

**2. What is the definition of "Indian"?**

The legislation defines "Indian" to mean an individual who is –

- A member of an Indian tribe or band, as membership is defined by the tribe or band, including –
  Any tribe or band terminated since 1940; and
  Any tribe or band recognized by the State in which the tribe or band resides;
- A descendant, in the first or second degree, of an individual described above;
- Considered by the Secretary of Interior to be an Indian for any purpose;
- An Eskimo, Aleut, or other Alaska Native; or
- A member of an organized Indian group that received a grant under the Indian Education Act of 1988 as it was in effect October 19, 1994.

**3. Who is eligible to apply and what are the minimum student enrollment requirements?**

Local educational agencies (LEA's), Bureau-funded schools and, in certain circumstances, Indian tribes are eligible to apply under the Indian Education formula grant program. (See also question #17).

According to Section 9112, an applicant is eligible for a grant if the number of Indian children who were enrolled in its schools and were provided a free public education during the preceding fiscal year –

(1) Was at least 10; or

(2) Constituted not less than 25 percent of the total number of individuals enrolled in its schools.

This minimum enrollment requirement does not apply to schools located in Alaska, California, or Oklahoma, or any LEA located on, or in proximity to, a reservation.

**Note: As of March 23, 1995 (Pub. L. 104-5), Section 9112(a)(1)(A) of Title IX was amended to read "or" instead of "and".**

**4. What types of projects may be funded?**

The Department will fund applications that are designed to carry the LEA's comprehensive plan for Indian students, addressing the language and cultural needs of Indian students, and which supplement and enrich the regular school program. According to section 9115 of the law, projects may include services and activities such as –

- Integrated educational services in combination with other programs that meet the needs of Indian children and their families;
- School-to-work transitional services to enable Indian students to participate in programs such as the programs supported by the Carl D. Perkins Vocational and Applied Technology Education Act, including programs for tech-prep, mentoring, apprenticeship;
- Enrichment programs that focus on problem-solving and cognitive skills development and directly support the attainment of challenging content standards and student performance standards;
- Early childhood and family programs that emphasize school readiness; and
- Activities to educate individuals concerning substance abuse and to prevent substance abuse.
- Culturally related activities that support the program described in the LEA's application.
- The acquisition of equipment, but only if the acquisition of the equipment is essential to meet the purpose of this program.

5. **What are the steps usually involved in developing a program and submitting an application?**

The following sequential steps and activities are suggested to aid the applicant in developing a program and preparing the application. The applicant is not required to conduct all of the activities outlined below.

(1) Form a parent committee and adopt bylaws.

Establish procedures and policies for parent/community involvement.

Establish procedures and policies for teacher and staff involvement.

Conduct a needs assessment (Data from recent assessments may be used if the LEA has conducted a needs assessment within the last two years that identified the special educational and culturally related academic needs of the American Indian and Alaska Native students).

Send out and begin collecting 506 forms on Indian students.

(2) Analyze needs assessment data; prioritize student needs; determine student needs to be addressed by the project.

Establish a count date or count period and conduct the student count (the count period may be up to 30 consecutive days; those Indian students enrolled in the school during the count period and for whom you have a 506 form may be included in the count).

(3) Draft the comprehensive plan required for the application.
(See pages G3 and G4, "Comprehensive Plan" for requirements).

Establish procedures and policies for employment of project staff.

(4) Draft the application's objectives, timelines and assessment procedures.

Review methods for delivery of services which target those student needs to be addressed.

Identify how the project will be managed (e.g., identify administrative and staff responsibilities, identify activities to be conducted during the year to carry out various tasks that must be accomplished to meet the objectives of the project, etc.)

Develop the budget.

(5) Conduct public hearing(s).

(6) Finalize application materials and information, incorporating the comments and suggestions received during the public hearing(s).

(7) LEA's submit application to SEA for review and comment. (Also, see question #15).

(8) LEA's submit application to ED by the closing date.

**6. What is the requirement for a comprehensive plan?**

According to section 9114(b) of the statute, all LEAs are to submit with their formula grant application, a comprehensive plan for meeting the needs of Indian children that is consistent with and promotes the goals in the State and local improvement plans, either approved or being developed, under Title III of the Goals 2000: Educate America Act or, if a plan is not approved or being developed, with the State and local plans under Title I (sections 1111 and 1112) of the Improving America's Schools Act. For specific requirements of the comprehensive plan and detailed information on what is to be included in the plan, see pages G3 and G4 of this application package.

**7. What are the requirements for involving parents and the community?**

All LEAs, per section 9114(c), are required to have a parent committee and to develop their application with the participation and written approval of that committee. The application is also to be developed in open consultation with the parents of Indian children, teachers and, where applicable, Indian secondary students. The comprehensive plan to be submitted with the application, also requires that assessment results be provided by the LEA to the parent committee and the community served by the LEA. Specific methods for meeting the requirements for parent and community involvement are not prescribed, however, the procedures used by the LEA should include more than just having parents attend meetings, receiving reports, and signing off on documents.

8. **Is the parent committee required to approve the application?**

Yes; to be eligible for funding under this program, the LEA must obtain the written parent committee approval on all new and continuation applications.

9. **What is the composition of the parent committee?**

According to section 9114(c), the parent committee is to be composed of, and selected by, parents of Indian children in the LEA's schools, teachers, and where applicable, secondary Indian students. The membership of the committee shall consist of more than one-half parents of Indian children.

10. **How long may a project be funded?**

According to the Education Department's General Administrative Regulations (EDGAR), section 75.250, the applicant may apply for a project that is 5 years in length. However, applications requesting multi-year approval must provide additional information in the initial application.

11. **What is the additional information required of a multi-year application and what are the advantages of a multi-year application over a single-year application?**

The Office of Indian Education strongly encourages and recommends all applicants to develop multi-year project applications. Multi-year applications better enable grantees to plan their service delivery, develop project objectives that build on student progress from one year to the next, plan for and project the progress students can make over a number of years, and provide longitudinal data to determine the effectiveness of the project's services and activities in meeting the objectives of the project. Continuation applications for the remaining years need only to identify any changes that have occurred as a result of the annual evaluation, the progress being made in meeting the objectives of the project, and provide updated student count and budget information, and the most current performance and financial expenditure information (34 CFR 75.118 and 75.253).

12. **How often should a needs assessment be conducted and how should it be conducted?**

Each applicant requesting funds for a new project is required to conduct a needs assessment in developing its application. However, if the LEA has conducted, within the last two years, a needs assessment that assessed the special educational and culturally-related academic needs of the American Indian and Alaska native students, that data may be used.

Suggested data that may be reviewed include (but are not limited to): student performance records (e.g., grades, achievement test scores, etc.); attendance records; attitude rating scores; anecdotal teacher records; student, parent, and/or teacher surveys; prior year evaluation of the project; and results of the public hearing(s).

For projects that have previously operated a formula grant program, the following questions may also provide guidance in conducting a new needs assessment:

- To what extent did the project meet students' needs? Were the objectives, activities, and measures used to evaluate progress appropriate to these student needs?
- To what extent did the project provide additional or more comprehensive services than would otherwise be available?
- To what extent did it reach more students than the regular program?

**13. How can grantees evaluate the effectiveness of their projects?**

Evaluations that provide valid, reliable and, to the extent possible, quantifiable measures of project outcomes can help applicants identify improvements needed during the project, as well as help others learn what strategies are most effective in improving education for Indian children.

An effective evaluation identifies how each objective will be measured at mid-year or other periodic intervals and at year end for each year of the proposed project. The mid-year project evaluation may include, for example, more formative or process evaluation measures that show both the extent of progress being made toward the project objectives and the extent of successful program management of activities or the extent that the targeted student population is participating. The end of year evaluation measures should indicate the student outcome results for the year and provide data which would indicate the level of progress made in meeting each objective of the project. In selecting the evaluation methods and procedures to be used, make certain the proposed measures are appropriate to the objectives and the student population being served.

Relevant performance indicators may include students' academic achievement (e.g., test scores or grade point averages), promotion to the next grade, drop out rates, and graduation rates. Other performance indicators may include students' attitudes toward self and school, satisfaction with the project's services, attendance, completion of homework, and classroom behavior.

Evaluations may also be developed using a basis of comparisons, such as: (1) comparisons of outcomes before and after receipt of project services, (2) comparisons of

outcomes before and after implementation for project participants and a control group of similar students who do not participate in the project, or (3) comparisons between norm referenced criteria and those achieved by Indian students before and after receipt of services from the project. It is suggested that any comparisons be made between student groups that are similar in characteristics such as grade, initial academic achievement, attendance history, and need for services. Otherwise initial differences in any of these variables could affect outcomes and invalidate conclusions about the effects of the project.

The following items are suggested when developing an evaluation process:

Implementation and coordination:

- What staff development is provided to implement the project?
- How is the parent committee involved in the development of the program (a requirement of section 9114(c)(C))?
- How are families, tribal leaders, and the Indian community involved in the project? How will their involvement in the project be measured?
- What are the methods of coordination among the service providers and the regular program?

Data collection and analysis:

- What mechanisms are used to monitor whether the needs of the participants are being met?
- What records are to be maintained on project administration, project participants, and progress of participants?
- What data from these records will be collected? Who will collect the data and when?
- What procedures will be used to ensure recordkeeping and sharing of information among the service providers and the project's administration?
- Who will analyze the data collected and write the evaluation reports?
- To what extent are services provided cost efficient?

Program progress:

- What are the obstacles to the provision of services, and what solutions does the project offer to overcome them?

- ☼ What provisions will be made during the year if interim progress reports indicate the project is not progressing as planned?

**14. How often must a public hearing be held?**

Each LEA (including BIA funded schools), prior to submitting a new or continuation application, is required to conduct at least one public hearing (section 9114(c)). At the public hearing(s), the applicant is required to provide parents of Indian students, and the community, an opportunity to understand and offer recommendations on the program. The LEA may also want to consider using the public hearing as an opportunity to present the results of the periodic assessment of all Indian students (as required in the comprehensive plan) which are to be discussed with parent committee and the community served by the LEA.

**15. Are the applications required to be submitted to the State educational agency (SEA) for review?**

According to the new legislation (section 9118), LEAs (except BIA funded schools) are now required to submit its application to the SEA for review and comment prior to submitting the application to the Department of Education. If the SEA chooses to comment on one application, it is required to comment on all of the applications submitted, and provide comments to the LEA with an opportunity to respond.

In order not to delay an LEA's application submission, ED is recommending the following process be followed in the submission of the formula grant applications:

- ☼ LEAs submit a copy of the application to the SEA for review.
- ☼ LEAs submit one original and two copies of the application to the U.S. Department of Education on or before the closing date.
- ☼ SEAs may review the applications and comment (if they so choose), with written comments submitted to the LEA.
- ☼ SEAs may concurrently submit a copy of comments to the U.S. Department of Education's Office of Indian Education.

**16. May preschool children be included in the student count?**

Yes; the new legislation permits preschool children to be included in the count if they are enrolled in a school of the LEA and were provided a free public education by that

LEA during the preceding fiscal year (section 9112). "Free public education" means an education that is at public expense, under public supervision and direction, and without tuition charge (section 9161). In order for the LEA to include a preschool child in the student count to generate formula grant funds, the child must be Indian and have a completed ED 506 Indian Student Eligibility Certification form on file with the applicant LEA.

**17. May an Indian tribe apply for a formula grant?**

Yes; the new legislation permits Indian tribes to apply for a formula grant if –

- ☼ The LEA that is eligible for a grant does not establish a parent committee under section 9114(c)(4) of the Act for such grant; and
- ☼ The Indian tribe represents no less than one-half of the eligible Indian children who are served by the LEA.

In order to document that an Indian tribe meets the basic criteria for eligibility, the applicant tribe shall submit with its application a letter from the LEA (signed by the LEA's authorized representative) certifying: (1) that the LEA has not established a parent committee according to section 9114(c)(4) of the Improving America's Schools Act of 1994; (2) that the applicant Indian tribe represents no less than one-half of the eligible Indian children served by the LEA; and (3) the Indian children counted in the tribe's application were enrolled in the LEA's schools during the count period indicated in the application. (See Note on question #23).

*It will be the responsibility of the applicant tribe to collect and maintain the Indian student eligibility certification forms to document the total number of Indian students counted to generate funds for the formula grant award.* Eligible tribes may count all Indian students enrolled in the LEA for whom the tribe obtains an Indian student certification form and all students included in the count may be included in the project's activities and services.

**18. Are BIA funded schools still required to maintain the 506 forms to prove Indian eligibility of students?**

No; the new legislation exempts BIA funded schools from the requirement to maintain the ED Form 506 student eligibility form. The student counts for applicant BIA funded schools will be certified by the BIA using the Indian School Equalization Program (ISEP) count for that year.

19. What are the requirements for an LEA to include formula grant funds in a Title I school-wide project?

Before an LEA may include Indian education formula grant funds in a Title I school wide project, the LEA must have the written approval of the parent committee. According to Section 9114(c)(4)(D) and Section 9115(c) the LEA must ensure that the parent committee has been allowed to: review the program in a timely fashion, determine that the program will not diminish the availability of culturally related activities for

American Indians and Alaska Native students, and determine the school-wide project is consistent with the purpose of the formula grant program.

For BIA funded schools seeking to include formula grant funds in their Title I school-wide project, the applicant school should provide an assurance within its application that the school-wide program to be offered is consistent with the purpose of the formula grant program and is designed to assist Indian students in meeting the BIA's challenging content standards and assist in reaching the National Education Goals.

20. How does the LEA determine the student count?

Before including a student in the count of Indian children to generate funds under the formula grant program, the LEA needs to –

- ☼ Establish any count period, which should not exceed 30 consecutive days, during which the LEA conducts the count;

- ☼ Determine that the child was enrolled in the LEA's schools during the count period and received a free public education;

- ☼ Obtain for each child included in the count the student certification form, included in this application package. In order for a child to be eligible to be counted, the form must include the following information at a minimum: (1) the name of the child, (2) the name of the tribe or band of Indians which the student, the parent, or the grandparent is a member, as defined by the tribe or band; and (3) the parent's dated signature. (Section 9116(b)(2))

Indian children for whom LEA's do not have a student certification form on file during the count period should not be included in the count.

The aggregate number of Indian students meeting the above criteria may be identified in the count to generate funds.

LEA's have a responsibility for maintaining the student certification forms on file that were used to substantiate the count that generated the funds for the program. These records are to be maintained for a period of three years after completion of the activity for which the grant funds were used.

**21. What is the maintenance of effort requirement?**

LEA's are required to expend at least 90 percent from one fiscal year to the next of the combined fiscal expenditures of the LEA and State. Before a full payment may be made to an LEA, the Office of Indian Education contacts the State Educational Agency to determine if the applicant school's combined fiscal effort, with respect to the free public education provided by that LEA, was at least 90 percent from one fiscal year to the next fiscal year, computed on an aggregate basis or a per pupil expenditure basis.

If the Secretary determines, based upon information from the SEA, that an LEA has not maintained a 90 percent level of expenditure on either an aggregate or per pupil basis for the two years being compared, the Secretary reduces the amount of the grant in the exact proportion of the level not maintained up to the 90 percent level. However, the LEA has the option of requesting in writing a written waiver, for not more than one year at a time, of the maintenance of effort requirement from the Department of Education. If a waiver is granted, the LEA receives its full payment. If, however, a waiver is not requested or the Secretary does not approve the waiver, the LEA's payment is reduced by the percentage that was less than the 90 percent level required.

The maintenance of effort requirement does not apply to Bureau funded schools and eligible tribal applicants.

**22. How is the amount of the grant calculated?**

The student count reported in each application is multiplied by the average per pupil expenditure of the State in which the LEA is located or by 80 percent of the average national per pupil expenditure, whichever is greater. These amounts are then ratably reduced based on the appropriation for that fiscal year. Subject to appropriations, a minimum grant of $3,000 will be provided to all eligible applicants.

**23. What requirements do not apply to BIA funded schools or eligible tribal applicants?**

For BIA funded schools and eligible tribal applicants, the following requirements do not apply:

- ☼ Parent committee
- ☼ ED Form 506 Student Certification forms*
- ☼ Fiscal maintenance of effort
- ☼ SEA review of application

***Note on Exception: In circumstances where a tribe meets the eligibility criteria for this program, it would be the responsibility of the applicant tribe to collect and maintain the student certification forms. (See also questions #2, 3, 16, 17, and 20.)**